



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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Address to: Commissioner for Patents Box CPA Washington, D.C. 20231	Atty. Docket No.: <u>BAL6019P0011US</u> First Named Inventor: <u>Claude Hope et al.</u> Examiner: <u>Grunberg, Anne Marie</u> Group Art Unit: <u>1661</u> Express Mail Label No.: <u>EV214725138US</u>
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This is a request for a  continuation or a  divisional application under 37 CFR 1.53 (d), (continued prosecution application (CPA) of prior application number 09/429,723 filed on 10/29/99 and entitled Mutant Apical Dominance Gene in Eustoma

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. §371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1223 Off. Gaz. Pat. Office (April 11, 2000)

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. §120 and to every application assigned the application number identified in such request. 37 C.F.R. §1.78(a).

1.  Enter the unentered amendment previously filed on 01/09/2003 AWDNDAF1 00000134 09429723 under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed. 01 FC:1006 750.00 OP  
02 FC:1201 336.00 OP
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:  

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  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power or attorney or authorization of agent (PTO/SB/81) is enclosed.

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5.  Information Disclosure Statement (IDS) is enclosed:  
 PTO-1449  
 Copies of IDS Citations

CLAIMS	NUMBER FILED	NUMBER ALLOWED	NUMBER EXTRA	RATE	CALCULATIONS
Total Claims	18	- 20* =		x \$18.00 =	\$
Independent Claims	7	- 3** =	4	x \$84.00 =	\$336.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))				+ \$270.00 =	\$
				Basic Fee	\$750.00
				Total of above Calculations =	\$
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	\$1086.00

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 23-0785.

		<u>Large Entity</u>	<u>Small Entity</u>
a. <input type="checkbox"/>	Extension for reply within first month	<input type="checkbox"/> \$ 110.00	<input type="checkbox"/> \$ 55.00
b. <input type="checkbox"/>	Extension for reply within second month	<input type="checkbox"/> \$ 410.00	<input type="checkbox"/> \$205.00
c. <input checked="" type="checkbox"/>	Extension for reply within third month	<input checked="" type="checkbox"/> \$ 930.00	<input type="checkbox"/> \$465.00
d. <input type="checkbox"/>	Extension for reply within fourth month	<input type="checkbox"/> \$1,390.00	<input type="checkbox"/> \$695.00
e. <input checked="" type="checkbox"/>	Additional filing fees or deficiencies in remittances therefor.		
f. <input type="checkbox"/>	Additional processing fees or deficiencies in remittances therefor.		
g. <input type="checkbox"/>	<u>ONLY if applicant has partially paid</u> the patent issue fee under 37 C.F.R. §1.18, then the <u>deficiency</u> shall be charged to the Deposit Account.		

8.  A check in the amount of \$ 2016.00 is enclosed.

9.  New Attorney Docket Number, if desired \_\_\_\_\_.  
*(Prior application Attorney Docket Number will carry over to this CPA unless a new number has been provided herein.)*

10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_ months (not to exceed three months) and the fee of \$ \_\_\_ under 37 CFR 1.17(i) is enclosed.

11. a.  Receipt For Facsimile Transmitted CPA (PTO O/SB/29A).  
b.  Return Receipt Postcard (Should be specifically itemized, see MPEP 503).

12.  Other: \_\_\_\_\_

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12.  New correspondence address below:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Country: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Customer Number (32116)  
and/or Bar Code Label:**



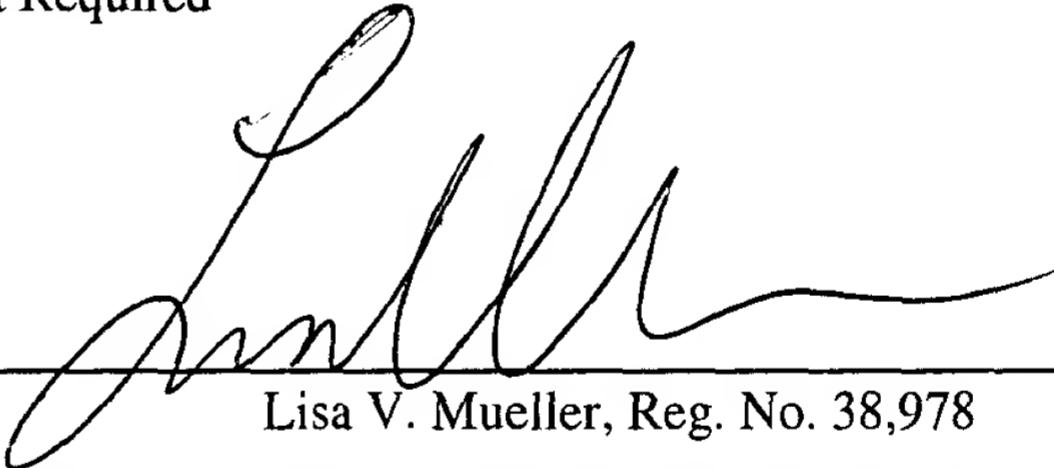
**Correspondence Address:**

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
Citicorp Center, Suite 3800  
500 West Madison Street  
Chicago, Illinois 60661-2511  
Telephone: (312) 876-1800  
Facsimile: (312) 876-2020

13. Signature of Applicant, Attorney, or Agent Required

Date: Jan. 7, 2003

By

  
Lisa V. Mueller, Reg. No. 38,978

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this Continued Prosecution Application (CPA) Request Transmittal, enclosed application, and any other documents referred to as enclosed herein, is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and addressed to Box CPA, Commissioner for Patents, Washington, D.C. 20231.

Express Mail Label No.: EV214725138US

Date of Deposit: Jan. 7, 2003

Typed/Printed Name of Person Signing: Kim Annel

Signature: 